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SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

NO. 180

LOUIS ZEMLER, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING AND FOR STAY

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Petitioner moves for leave to file the accompanying Petition for Rehearing of this Courts Order dated October 12, 1970 denying the Petition for a Writ of Certiorari in the United States Court of Appeals for the Ninth Circuit. This motion is made because petitioner's printer did not forward the petition for rehearing which had already been printed, in sufficient time for it to be filed in this Court within the 25 days permitted by Rule 58, the 25th day falling on Friday, November 6 and the petition for rehearing arriving on Saturday, November 7. The manuscript for the petition for rehearing was furnished to petitioner's printer in sufficient time for it to have been printed and submitted to this Court within the 25 days.

Petitioner further moves for an order staying notice for the Clerk to the United States Court of Appeals for the Ninth Circuit of entry of this Court's Order dated October 12, 1970 denying the petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit for the reason that the petition for rehearing accompanying his motion sets forth substantial grounds constituting a basis for rehearing which petition is filed in good faith and not for delay.

STANLEY W. GREENFIELD
Counsel for Petitioner